IN THE CLAIMS:

Please amend claims 1-3, 5-18, 21 and 22 and add claim 23 as follows.

1. (Currently Amended) A method of encoding speech in a communications system, said method comprising ~~the steps of~~:

receiving a speech signal including voice signals and background signals;

detecting voice activity and providing an indicator when no voice activity is detected;

encoding the speech signal to generate a plurality of parameters representing the signal; and

when the indicator is not present, outputting a first parametric representation of the speech signal comprising the plurality of parameters, and, when the indicator is present, modifying at least one of the plurality of parameters and outputting a second parametric representation of the speech signal including the modified parameter.

2. (Currently Amended) ~~A~~ The method according to claim 1, wherein the plurality of parameters includes a linear prediction calculation vector of quantized linear prediction filter coefficients.

3. (Currently Amended) ~~A~~ The method according to claim 1, wherein the plurality of parameters includes a gain parameter based on open-loop lag value.

4. (Original) A method according to claim 1, wherein the plurality of parameters includes a residual vector.

5. (Currently Amended) ~~A~~ The method according to claim 1, wherein the speech signal is received as a sequence of samples arranged in frames.

6. (Currently Amended) ~~A~~ The method according to claim 5, wherein the ~~step of~~ modifying the at least one parameter includes smoothing the parameter for a current frame based on characteristics of the parameter in other frames of the speech signal.

7. (Currently Amended) ~~A~~ The method according to claim 6, wherein said other frames include adjacent frames.

8. (Currently Amended) ~~A~~ The method according to claim 6, wherein the ~~step of~~ modifying the at least one parameter includes producing a count of the number of received frames up to a predetermined maximum, and using said count in the modifying step.

9. (Currently Amended) ~~A~~ The method according to claim 1, wherein the ~~step of~~ modifying at the least one parameter includes generating a randomized value for the parameter.

10. (Currently Amended) ~~A~~ The method according to claim 1, wherein the ~~step of~~ modifying the at least one parameter includes taking into account the energy levels associated with the parameter.

11. (Currently Amended) ~~A~~ The method according to claim 1, wherein the ~~step of~~ modifying the at least one parameter includes modifying a value utilized in the generation of the parameter, whereby modification of that value produces a modified parameter.

12. (Currently Amended) ~~A~~ The method according to claim 11, wherein the ~~step of~~ modifying the value comprises randomizing the value.

13. (Currently Amended) A speech encoding apparatus configured to encode speech, the apparatus~~system~~ comprising:

an input configured to receive a speech signal including voice signals and background signals;

a voice activity detector configured to detect voice activity and to provide an indicator when no voice activity is detected;

an encoder configured to encode the speech signal to generate a plurality of parameters representing the signal;

modifying circuitry configured to modify, when the indicator is present, at least one parameter of the plurality of parameters; and

an output at which a first parametric representation of the speech signal is output when the indicator is not present, the first parametric representation comprising the plurality of parameters, and at which a second parametric representation of the speech signal is output when the indicator is present, the second parametric representation including the modified parameter.

14. (Currently Amended) ~~A~~ The speech encoding apparatus according to claim 13, wherein the speech signal is received as a sequence of samples arranged in frames, and wherein the modifying circuitry smoothes the parameter for a current frame based on characteristics of the parameter in other frames of the speech signal.

15. (Currently Amended) ~~A~~ The speech encoding apparatus according to claim 13, wherein the speech signal is received as a sequence of samples arranged in frames, and wherein the modifying circuitry produces a count of the number of received frames to a predetermined maximum, and to use the count in the step of modifying the parameter.

16. (Currently Amended) ~~A~~ The speech encoding apparatus according to claim 13, wherein the modifying circuitry generates a randomized value for the parameter.

17. (Currently Amended) ~~A~~ The speech encoding apparatus according to claim 13 wherein the modifying circuitry takes into account energy levels associated with the parameter.

18. (Currently Amended) A ~~system~~apparatus for encoding speech, said apparatus~~system~~ comprising:

receiving means for receiving a speech signal including voice signals and background signals;

detecting means for detecting voice activity and providing an indicator when no voice activity is detected;

encoding means for encoding the speech signal to generate a plurality of parameters representing the signal; and

outputting means for, when said indicator is not present, outputting a first parametric representation of the speech signal comprising said plurality of parameters, and, when the indicator is present, modifying at least one of the parameters and outputting a second parametric representation of the speech signal including the modified parameter.

19. (Previously Presented) A communications system configured to encode speech, the system comprising:

input means for receiving a speech signal including voice signals and background signals;

voice activity detection means for detecting voice activity and to provide an indicator when no voice activity is detected;

encoder means for encoding the speech signal to generate a plurality of parameters representing the signal;

modifying means for modifying, when the indicator is present at least one of the parameters; and

output means for outputting, when the indicator is not present, a first parametric representation comprising said plurality of parameters, and for outputting a second parametric representation of the speech signal when the indicator is present, the second parametric representation including the modified parameter.

20. (Previously Presented) A network entity for use in a wireless communications network, the network entity being configured to encode speech and comprising:

an input configured to receive a speech signal including voice signals and background signals;

a voice activity detector configured to detect voice activity and to provide an indicator when no voice activity is detected;

an encoder configured to encode the speech signal to generate a plurality of parameters representing the signal;

modifying circuitry configured to modify, when the indicator is present, at least one parameter of the plurality of parameters; and

an output at which a first parametric representation of the speech signal is output when the indicator is not present, the first parametric representation comprising the plurality of parameters, and at which a second parametric representation of the speech signal is output when the indicator is present, the second parametric representation including the modified parameter.

21. (Currently Amended) ~~A~~ The network entity according to claim 20, which comprises a mobile terminal.

22. (Currently Amended) A computer program comprising a code sequence which, when executed on a computer, encodes speech by implementing the ~~following method steps~~method comprising:

receiving a speech signal including voice signals and background signals;

detecting voice activity and providing an indicator when no voice activity is detected;

encoding the speech signal to generate a plurality of parameters representing the signal; and

when the indicator is not present, outputting a first parametric representation of the speech signal comprising the plurality of parameters, and, when the indicator is present,

modifying at least one of the plurality of parameters and outputting a second parametric representation of the speech signal including the modified parameter.

23. (New) A communications system configured to encode speech, the system comprising:

an input unit configured to receive a speech signal including voice signals and background signals;

voice activity detection unit configured to detect voice activity and to provide an indicator when no voice activity is detected;

encoder unit configured to encode the speech signal to generate a plurality of parameters representing the signal;

modifying unit configured to modify, when the indicator is present at least one of the parameters; and

an output unit configured to output, when the indicator is not present, a first parametric representation comprising said plurality of parameters, and to output a second parametric representation of the speech signal when the indicator is present, the second parametric representation including the modified parameter.